IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

Second Appeal No. 281/2007

Pandurang GAnpati Magar ..vs.. Raju Durgaprasad Mishra

Office Notes, Office Memoranda of Coram appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

CORAM:- R. V. MORE, J.
DATE :- 31st OCTOBER, 2007

Heard Mr. Mardikar, learned counsel for the appellant.

The suit of the appellant/original plaintiff for mandatory and permanent injunction in respect of the easementary way was dismissed by the trial Court. In the appeal filed by the present appellant, the trial Court's decree came to be confirmed. The appellate Court recorded finding that the registered sale deed which is being relied upon by the appellant wherein reference of right of way is made, does not tally with the description of the way in the pleadings and the map. Accordingly, the appeal filed by the appellant was dismissed and the trial Court's decree was

confirmed.

The Courts below upon appreciation of the facts concluded that the appellant did not make out the case for permanent and mandatory injunction. In this view of the matter, I do not find any substantial question of law in the present second appeal. The same is, therefore, dismissed with no order as to costs.

JUDGE

kahale